

FILED
U.S. DISTRICT COURT

2007 MAY - 3 P 3:56

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DISTRICT OF UTAH
BY: DEPUTY CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

Anna M. Griffin,
Plaintiff.

v.

Stephen Duncan,
Defendant.

**COMPLAINT
(Jury Demanded)**

Judge Tena Campbell
DECK TYPE: Civil
DATE STAMP: 05/03/2007 @ 15:53:37
CASE NUMBER: 2:07CV00295 TC

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, Anna Griffin, by and through the undersigned attorney, and sues the Defendant, Stephen Duncan, and states:

1. This is an action for damages in excess of \$75,000.00 exclusive of costs, interest and attorneys fees.
2. This Court has diversity jurisdiction pursuant to 28 U.S.C. 1332.
3. Venue is proper in this Court, pursuant to 28 U.S.C. §1391 and the Local Rules of the United States District Court for the District of Utah.
4. Plaintiff, Anna Griffin, is a resident of the State of Maryland.
5. Defendant, Stephen Duncan, is a resident of the State of Utah, and more

particularly, lives in Orem, Utah, located in Utah County.

COUNT I- NEGLIGENCE OF DEFENDANT, STEPHEN DUNCAN

6. Plaintiff re-alleges each and every allegation contained in paragraphs one through five above.
7. On or about June 19, 2003, the Plaintiff, Anna Griffin, was lawfully and safely riding a bicycle, along a bicycle path on Castaway Cay, Bahamas when through no fault of her own, she was run down by, Defendant, Stephen Duncan on a bicycle, causing her serious and permanent injuries.
8. At said time and place, the Defendant, Stephen Duncan had a duty to operate his bicycle in a safe manner and not cause bodily injury to third parties.
9. At said time and place, Defendant Stephen Duncan had exclusive custody and control of the bicycle.
10. At said place and time, the Defendant, Stephen Duncan, breached this duty by negligently operation and/or maintaining his bicycle.
11. Due to the Defendant, Stephen Duncan's fault and negligent operation of his bicycle, Plaintiff, Anna Griffin, sustained serious injuries.
12. As a result of the negligence of Defendant, Stephen Duncan, the Plaintiff, Anna Griffin, was injured about her body and extremities, suffered physical pain, mental anguish, loss of enjoyment of life, disability, disfigurement, aggravation of any previously existing conditions therefrom, incurred medical expenses in the care and treatment of her injuries, suffered physical handicap, lost wages and her working ability has been impaired. The injuries are permanent or continuing in nature, and Plaintiff, Anna Griffin, will suffer the losses and impairments in the future.

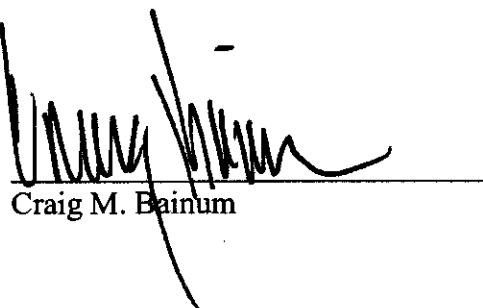
WHEREFORE, Plaintiff, Anna Griffin, demands judgment against the Defendant,

Stephen Duncan for an amount in excess of \$75,000.00, costs, interest, attorney's fees and whatever further relief the Court deems appropriate and just. In addition, Plaintiff, Anna Griffin, demands a trial by jury.

DEMAND FOR JURY TRIAL

Plaintiff, Anna Griffin, demands a trial by jury on all issues so triable.

Dated May 3, 2007.



Craig M. Bainum

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Anna M. Griffin

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Craig M. Bainum, #5913; PO Box 920
Sandy, Utah 84092; (801-565-9136)

DEFENDANTS

Stephen Duncan

U.S. DISTRICT COURT
DISTRICT OF UTAH

County of Residence of First Plaintiff _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, STATE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

BY: DEPUTY CLERK

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Citizen of Another State	PTF	DEF
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 4	<input type="checkbox"/> 4	
<input type="checkbox"/> 5	<input type="checkbox"/> 5		<input type="checkbox"/> 6	<input type="checkbox"/> 6	

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Ex. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 510 Fair Labor Standards Act	<input type="checkbox"/> 510 Other Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 520 Labor/Mgmt. Relations	<input type="checkbox"/> 530 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 540 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 550 Other Statutory Actions
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 560 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 570 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 561 HIA (1395f)	<input type="checkbox"/> 580 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 562 Black Lung (923)	<input type="checkbox"/> 590 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 390 Other Product Liability	<input type="checkbox"/> 563 DWCA/DIWW (405(g))	<input type="checkbox"/> 595 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 564 SSDI Title XVI	<input type="checkbox"/> 600 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 447 Other Civil Rights		<input type="checkbox"/> 565 RSI (405(p))	<input type="checkbox"/> 610 Constitutionality of State Statutes
		<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus:	<input type="checkbox"/> 710 Fair Labor Standards Act	
		<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<input type="checkbox"/> 800 Other Labor Litigation	
			<input type="checkbox"/> 810 Labor/Mgmt. Reporting & Disclosure Act	
			<input type="checkbox"/> 820 HIA (1395f)	
			<input type="checkbox"/> 830 Black Lung (923)	
			<input type="checkbox"/> 840 DWCA/DIWW (405(g))	
			<input type="checkbox"/> 850 SSDI Title XVI	
			<input type="checkbox"/> 860 RSI (405(p))	
			<input type="checkbox"/> 870 Fair Labor Standards Act	
			<input type="checkbox"/> 880 Black Lung (923)	
			<input type="checkbox"/> 890 DWCA/DIWW (405(g))	
			<input type="checkbox"/> 900 SSDI Title XVI	
			<input type="checkbox"/> 910 RSI (405(p))	
			<input type="checkbox"/> 920 Fair Labor Standards Act	
			<input type="checkbox"/> 930 Black Lung (923)	
			<input type="checkbox"/> 940 DWCA/DIWW (405(g))	
			<input type="checkbox"/> 950 SSDI Title XVI	
			<input type="checkbox"/> 960 RSI (405(p))	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Diversity pursuant to 28 U.S.C. 1332

Brief description of cause:
Defendant negligently injured the defendant while they were both riding bicycles.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5-3-07
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # _____ AMOUNT _____

APPLYING IFFP _____

Judge Tena Campbell

DECK TYPE: Civil

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